

Exhibit 16

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807

Tel + 1 202 626 3600
Fax + 1 202 639 9355
whitecase.com

Direct Dial + (202) 626-3696

alau@whitecase.com

June 19, 2015

VIA E-MAIL TO: jay.weil@fedarb.com

The Honorable Vaughn Walker (Ret.)
c/o Mr. Jay Weil
Federal Arbitration, Inc.
228 Hamilton Avenue, 3rd Floor
Palo Alto, CA 94301

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-5944 SC, MDL No. 1917
(N.D. Cal.): The Toshiba & Panasonic Defendants' Response To The DAPs' Notice Of
June 11, 2015

Dear Judge Walker:

We have received a copy of the DAPs' notice of June 11, 2015. Because that notice contains a misstatement and raises new arguments, we submit this joint response for Your Honor's consideration.

The misstatement made by the DAPs in their June 11, 2015 notice concerns the October 29, 2014 motion filed by the DAPs and the IPPs. According to the DAPs, "[a]fter extensive negotiation and compromise by the DAPs, Toshiba was only willing to stipulate to the authenticity of **three out of ninety-four of its own documents**." DAP June 11, 2015 Notice at 2 (emphasis in original). That is not correct. Of the 94 documents at issue, the Toshiba Defendants agreed that 93 documents were authentic. Attachment 1. Separately, the Toshiba Defendants agreed that three of the 94 documents are business records within the meaning of Rule 803(6) of the Federal Rules of Evidence. *Id.*

The new arguments raised by the DAPs concern the September 12, 2014 and September 19, 2014 motions to compel filed by the IPPs. The DAPs acknowledge that they did not bring either motion. Nor did the DAPs join either motion. By stipulation with the Toshiba Defendants, the IPPs withdrew their September 12, 2014 and September 19, 2015 motions to compel, which was approved by Judge Conti on March 26, 2015. Attachment 2 at 7. Similarly, by stipulation with the Panasonic Defendants, the IPPs withdrew their September 12, 2014 motion, which was approved by Judge Conti on October 22, 2014. Attachment 3 at 2. Once these motions were withdrawn, they became moot. Accordingly, there is no case or controversy for Your Honor or Judge Conti to decide with respect to these motions. See *Independent Union of Flight Attendants v. Pan American World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992) ("A party's decision to withdraw a claim renders it moot") (citing *Webster v. Reproductive Health Serv.*, 492 U.S. 490, 512 (1989)); *Earth Island Institute v. Albright*, 147 F.3d 1352, 1356 (Fed. Cir. 1998) ("Without a live case or controversy after

Earth Island withdrew its motion, the trial court lacked jurisdiction over this matter”); *Henry v. National Housing Partnership*, No. 1:06-CV-008-SPM, 2008 WL 2766067, at *1 (N.D. Fla. June 27, 2008) (“The Court finds that there is no need for a hearing on a motion that is now being withdrawn. Therefore, document 578 shall be denied as moot.”). Because the September 12, 2014 motion to compel was withdrawn as to both the Toshiba and Panasonic Defendants and the September 19, 2014 motion to compel was withdrawn as to the Toshiba Defendants, these are no longer pending vis-à-vis the Panasonic and Toshiba Defendants as to the September 12 motion and vis-à-vis the Toshiba Defendants as to the September 19 motion — there is nothing for the DAPs to join. Because the deadline for filing motions to compel has long since passed (N.D. Cal Local Rule 37-3), it is also too late for the DAPs to re-file the September 12, 2014 and September 19, 2014 motions in their own name. Finally, withdrawal of several motions filed by the IPPs (including both the September 12, 2014 and September 19, 2014 motions to compel) was part of the consideration that the Toshiba Defendants and Panasonic Defendants received in their respective settlements with the IPPs. Elsewhere, Your Honor has recognized that “it would be unfair to the parties to alter the balance of factors upon which these settlements have been reached” Special Master’s Report and Recommendation in Response to the Court’s Order Filed February 9, 2015, at 4 (April 17, 2015). That principle applies with equal force here.

Moreover, with respect to the September 19, 2014 motion, the Panasonic Defendants engaged in a series of meet and confers with the DAPs on the specific subject at issue in that motion (*i.e.*, the production of statements to foreign antitrust authorities). The parties reached an agreement on that issue and the DAPs agreed not to file any motion to compel against Panasonic Defendants “relative to the Department of Justice or any foreign investigations or proceedings regarding CRTs, [or] otherwise [to] seek to obtain information regarding Panasonic and such investigations or proceedings either from Panasonic or from any government agency.” Attachment 4. The DAPs thus waived their right to pursue this discovery from the Panasonic Defendants, particularly at this late stage of litigation when the deadline for filing motions to compel has long since passed.

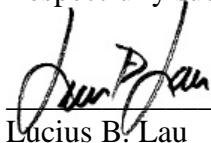
* * *

The Honorable Vaughn Walker (Ret.)

WHITE & CASE

The DAPs attempt to justify their tardiness by pointing to Your Honor's Recommended Order concerning Mitsubishi's Motion to Compel ViewSonic's Percipient Witness Depositions and Coordination of Discovery (June 8, 2015) ("Recommended Order") as well as the Discovery Protocol in this case. DAP June 11, 2015 Notice at 3. But this argument is unpersuasive. The Recommended Order concerns a *pending* motion and a request by certain defendants for a ruling on that *pending* motion, notwithstanding the fact the parties originally involved in the dispute had settled. Thus, the Recommended Order involves a justiciable case or controversy, which is noticeably absent with respect to the *withdrawn* September 12, 2014 and September 19, 2014 motions to compel. Nor does the Discovery Protocol aid the DAPs. That protocol simply encouraged coordinated discovery in this case. The protocol does not (and cannot) create a case or controversy where none exists.

Respectfully submitted,



Lucius B. Lau
White & Case LLP

/s/ Eva W. Cole

Eva W. Cole
Winston & Strawn LLP

*Counsel to Defendants Toshiba Corporation,
Toshiba America, Inc., Toshiba America
Information Systems, Inc., Toshiba America
Consumer Products, L.L.C., and Toshiba
America Electronic Components, Inc.*

*Attorneys for Defendants Panasonic Corporation
(f/k/a Matsushita Electric Industrial Co., Ltd.),
Panasonic Corporation of North America, and
MT Picture Display Co., Ltd.*

cc: All Counsel of Record

Attachment 1

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807

Tel + 1 202 626 3600
Fax + 1 202 639 9355
whitecase.com

Direct Dial + (202) 626-3696

alau@whitecase.com

October 22, 2014

Robert J. Gralewski, Jr., Esq.
Kirby McInerney LLP
600 B Street, Suite 1900
San Diego, CA 92101

Laura E. Nelson, Esq.
Robins, Kaplan, Miller & Ciresi LLP
800 LaSalle Avenue
2800 LaSalle Plaza
Minneapolis, MN 55402

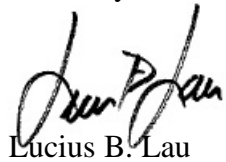
Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-5944 SC,
MDL No. 1917 (N.D. Cal.): The Toshiba Defendants' Response To The List Of 94
Documents Provided By The Plaintiffs

Dear Mr. Grawlewski and Ms. Nelson:

Pursuant to the terms of our stipulation, this letter constitutes the Toshiba Defendants' response to the list of 94 documents you provided on October 10, 2014. Attachment A to this indicates which of those documents we are willing to stipulate are authentic and, separately, which of those documents we are willing to stipulate are business records within the meaning of Rule 803(6) of the Federal Rules of Evidence.

We are willing to meet and confer with you concerning this response.

Sincerely,



Lucius B. Lau

Attachment

Attachment A

ATTACHMENT A

#	BATES NUMBER	AUTHENTIC?	BUSINESS RECORD WITHIN MEANING OF FRE 803(6)?
1.	TACP-CRT-00020562	NO	NO
2.	TAEC-CRT-00008902	YES	NO
3.	TAEC-CRT-00009116	YES	NO
4.	TAEC-CRT-00010351	YES	NO
5.	TAEC-CRT-00010411	YES	NO
6.	TAEC-CRT-00018123	YES	NO
7.	TAEC-CRT-00018126	YES	NO
8.	TAEC-CRT-00018555	YES	YES
9.	TAEC-CRT-00020529	YES	YES
10.	TAEC-CRT-00020530	YES	NO
11.	TAEC-CRT-00020718	YES	NO
12.	TAEC-CRT-00021577	YES	NO
13.	TAEC-CRT-00023685	YES	NO
14.	TAEC-CRT-00025345	YES	NO
15.	TAEC-CRT-00025518	YES	NO
16.	TAEC-CRT-00026960	YES	NO
17.	TAEC-CRT-00027321	YES	NO
18.	TAEC-CRT-00027616	YES	NO
19.	TAEC-CRT-00028971	YES	YES
20.	TAEC-CRT-00039256	YES	NO
21.	TAEC-CRT-00041564	YES	NO
22.	TAEC-CRT-00041606	YES	NO
23.	TAEC-CRT-00041709	YES	NO
24.	TAEC-CRT-00042216	YES	NO

25.	TAEC-CRT-00049876	YES	NO
26.	TAEC-CRT-00054277	YES	NO
27.	TAEC-CRT-00054383	YES	NO
28.	TAEC-CRT-00054572	YES	NO
29.	TAEC-CRT-00054831	YES	NO
30.	TAEC-CRT-00054896	YES	NO
31.	TAEC-CRT-00055023	YES	NO
32.	TAEC-CRT-00055069	YES	NO
33.	TAEC-CRT-00059040	YES	NO
34.	TAEC-CRT-00059798	YES	NO
35.	TAEC-CRT-00065483	YES	NO
36.	TAEC-CRT-00065484	YES	NO
37.	TAEC-CRT-00065518	YES	NO
38.	TAEC-CRT-00065529	YES	NO
39.	TAEC-CRT-00065635	YES	NO
40.	TAEC-CRT-00065667	YES	NO
41.	TAEC-CRT-00065969	YES	NO
42.	TAEC-CRT-00065986	YES	NO
43.	TAEC-CRT-00066181	YES	NO
44.	TAEC-CRT-00068610	YES	NO
45.	TAEC-CRT-00068894	YES	NO
46.	TAEC-CRT-00069157	YES	NO
47.	TAEC-CRT-00070348	YES	NO
48.	TAEC-CRT-00070960	YES	NO
49.	TAEC-CRT-00071173	YES	NO

50.	TAEC-CRT-00071245	YES	NO
51.	TAEC-CRT-00072148	YES	NO
52.	TAEC-CRT-00081210	YES	NO
53.	TAEC-CRT-00083156	YES	NO
54.	TAEC-CRT-00087223	YES	NO
55.	TAEC-CRT-00088054	YES	NO
56.	TAEC-CRT-00088432	YES	NO
57.	TAEC-CRT-00088715	YES	NO
58.	TAEC-CRT-00089342	YES	NO
59.	TAEC-CRT-00089968	YES	NO
60.	TAEC-CRT-00090127	YES	NO
61.	TAEC-CRT-00091750	YES	NO
62.	TAEC-CRT-00093312	YES	NO
63.	TAEC-CRT-00095236	YES	NO
64.	TAEC-CRT-00096166	YES	NO
65.	TAEC-CRT-00096935	YES	NO
66.	TET-CRT-00002363	YES	NO
67.	TET-CRT-00002966	YES	NO
68.	TET-CRT-00003403	YES	NO
69.	TSB-CRT-00018162	YES	NO
70.	TSB-CRT-00018805	YES	NO
71.	TSB-CRT-00025664	YES	NO
72.	TSB-CRT-00030283	YES	NO
73.	TSB-CRT-00033683	YES	NO
74.	TSB-CRT-00035348	YES	NO

75.	TSB-CRT-00035350	YES	NO
76.	TSB-CRT-00036828	YES	NO
77.	TSB-CRT-00036829	YES	NO
78.	TSB-CRT-00036875	YES	NO
79.	TSB-CRT-00039099	YES	NO
80.	TSB-CRT-00039194	YES	NO
81.	TSB-CRT-00039414	YES	NO
82.	TSB-CRT-00039415	YES	NO
83.	TSB-CRT-00041527	YES	NO
84.	TSB-CRT-00041620	YES	NO
85.	TSB-CRT-00041633	YES	NO
86.	TSB-CRT-00041721	YES	NO
87.	TSB-CRT-00041746	YES	NO
88.	TSB-CRT-00041862	YES	NO
89.	TSB-CRT-00041870	YES	NO
90.	TSB-CRT-00042255	YES	NO
91.	TSB-CRT-00042334	YES	NO
92.	TSB-CRT-00042440	YES	NO
93.	TSB-CRT-00042493	YES	NO
94.	TSB-CRT-00045123	YES	NO

Attachment 2

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

1 Christopher M. Curran (*pro hac vice*)

2 ccurran@whitecase.com

3 Lucius B. Lau (*pro hac vice*)

4 alau@whitecase.com

5 Dana E. Foster (*pro hac vice*)

6 defoster@whitecase.com

7 White & Case LLP

8 701 Thirteenth Street, N.W.

9 Washington, DC 20005

10 Telephone: (202) 626-3600

11 Facsimile: (202) 639-9355

12 *Counsel to Defendants Toshiba Corporation,*

13 *Toshiba America, Inc., Toshiba America*

14 *Information Systems, Inc., Toshiba America*

15 *Consumer Products, L.L.C., and Toshiba*

16 *America Electronic Components, Inc.*

17 [Additional stipulating parties on signature
18 page]

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 (SAN FRANCISCO DIVISION)

22 IN RE: CATHODE RAY TUBE (CRT)
23 ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

24 This Document Relates to:

25 *The Indirect Purchaser Action*

**THE TOSHIBA DEFENDANTS AND
INDIRECT PURCHASER
PLAINTIFFS' STIPULATION AND
[PROPOSED] ORDER
WITHDRAWING PENDING
MOTIONS**

26
27
28 THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC
MDL No. 1917

1 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America
2 Information Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba
3 America Electronic Components, Inc., (collectively, the “Toshiba Defendants”) and the
4 Indirect Purchaser Plaintiffs (the “IPPs”) have conferred by and through their counsel and,
5 subject to the Court’s approval, HEREBY STIPULATE AS FOLLOWS:
6

7 WHEREAS, at the time of this stipulation, the Toshiba Defendants have certain
8 summary judgment motions, motions *in limine*, and miscellaneous non-dispositive motions
9 pending against the IPPs;
10

11 WHEREAS, at the time of this stipulation, the IPPs have certain motions *in limine* and
12 motions to compel pending against the Toshiba Defendants;

13 WHEREAS, the parties have executed a settlement agreement that would release the
14 IPPs’ claims against the Toshiba Defendants (the “Settlement Agreement”);

15 WHEREAS, the Settlement Agreement is subject to the approval of the Court and will
16 become final and conclusive only when the Court has entered a final order approving the
17 Settlement Agreement under Federal Rule of Civil Procedure 23(e), a final judgment is entered
18 dismissing the underlying action with prejudice as it relates to IPPs’ claims against the Toshiba
19 Defendants, and all relevant appeals have been exhausted;
20

21 WHEREAS, in light of the Settlement Agreement, the Toshiba Defendants seek to
22 withdraw all pending motions solely as they pertain to the IPPs, subject to reinstatement in the
23 event that the Settlement Agreement does not become final and conclusive;

24 WHEREAS, in light of the Settlement Agreement, the IPPs seek to withdraw all pending
25 motions solely as they pertain to the Toshiba Defendants, subject to reinstatement in the event that
26 the Settlement Agreement does not become final and conclusive;
27
28

1 WHEREAS, the Toshiba Defendants and the IPPs do not seek to withdraw any motions to
2 the extent that they pertain to any other plaintiff or any other defendant;

3 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between
4 counsel as follows:
5

6 1. The Toshiba Defendants withdraw the following motions with respect to the IPPs:

- 7 a. The Toshiba Defendants' Motion for Summary Judgment Concerning
8 Withdrawal (ECF No. 2995);
9
10 b. The Toshiba Defendants' Motion *in Limine* to Preclude Evidence
11 Regarding Damages Allegedly Suffered by the New York Indirect
12 Purchaser Plaintiffs Class Prior to December 23, 1998 (ECF No. 3573);
13
14 c. The Toshiba Defendants' Motion *in Limine* to Preclude IPP Alter Ego
15 Theories of Liability at Trial (ECF No. 3576);
16
17 d. The Toshiba Defendants' Motion to Decertify the Statewide IPP Classes
18 for Damages (ECF No. 3585);
19
20 e. The Toshiba Defendants' Motion for an Order to Direct Certain Indirect
21 Purchaser Class Representatives to Testify Live at Trial (ECF No. 3588);
22 and
23
24 f. The Toshiba Defendants' Motion to Strike Class Representatives With
25 Inadequate Proof of Their Individual Purchases of Televisions or Monitors
26 (ECF No. 3595).
27

28 2. The Toshiba Defendants withdraw the following separately-filed joinders with
respect to the IPPs:

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917

- a. The Toshiba Defendants' Joinder to the Hitachi Parties' Motion for Summary Judgment Based Upon the Lack of Evidence of Participation in the Alleged Conspiracy (ECF No. 3010);
- b. The Toshiba Defendants' Joinder to the Hitachi Defendants' Motion for Summary Judgment Based Upon Withdrawal and the Statutes of Limitations (ECF No. 3011);
- c. Toshiba Defendants' Joinder to Philips Electronics North America Corporation's, Philips Taiwan Limited's, and Philips Do Brasil Ltda.'s Motion for Partial Summary Judgment (ECF No. 3028);
- d. The Toshiba Defendants' Joinder to Koninklijke Philips N.V.'s, Philips Electronics North America Corporation's, Philips Taiwan Limited's, and Philips Do Brasil Ltda.'s Motion for Summary Judgment Against Indirect Purchaser Plaintiffs Who are Natural Persons Residing in California (ECF No. 3042);
- e. The Toshiba Defendants' Joinder to Koninklijke Philips N.V.'s Motion for Summary Judgment (ECF No. 3045); and
- f. The Toshiba Defendants' Limited Joinder to Defendants' Motion *in Limine* #4 to Exclude LCD and Other Non-CRT Product Conspiracies (ECF No. 3692).

3. The Toshiba Defendants withdraw their joinders to the following joint motions with respect to the IPPs:

- a. Defendants' Motion for Partial Summary Judgment as to Indirect Purchaser Plaintiffs' and Certain Direct Action Plaintiffs' State Law Claims on Statute of Limitations Grounds (ECF No. 2978);

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917

- 1 b. Defendants' Motion for Partial Summary Judgment on Plaintiffs' Indirect
2 Purchaser Claims Based on Foreign Sales (ECF No. 3006);
3
4 c. Defendants' Joint Motion for Summary Judgment Based Upon Plaintiffs'
5 Failure to Distinguish Between Actionable and Non-Actionable Damages
6 Under the FTAIA (ECF No. 3008);
7
8 d. Defendants' Joint Motion for Partial Summary Judgment Against Indirect
9 Purchaser Plaintiffs and Certain Direct Action Plaintiffs for Lack of
10 Antitrust Injury and Antitrust Standing Under Federal and Certain State
11 Laws (ECF No. 3050);
12
13 e. Defendants' Motion *in Limine* #3: To Exclude All Evidence and Reference
14 at Trial to the U.S. Department of Justice's Criminal Investigations of the
15 Cathode Ray Tube Industry (ECF No. 3556);
16
17 f. Defendants' Motion *in Limine* #11: To Exclude References to Documents
18 or Behavior Not in Evidence (ECF No. 3557);
19
20 g. Defendants' Joint Motion *in Limine* No. 1: Motion for Pretrial Proffer and
21 Ruling on Admissibility of Alleged Co-Conspirator Statements Under Fed.
22 R. E. 801(d)(2)(E) (ECF No. 3559);
23
24 h. Defendants' Motion *in Limine* #8: To Exclude Evidence and Argument
25 Relating to Damages from "Spillover" or "Ripple" Effects of Foreign
26 Price-Fixing Activities on U.S. Prices (ECF No. 3563-3);
27
28 i. Defendants' Motion *in Limine* #12: To Exclude Plaintiffs' "Price Ladder"
Theory of Recovery (ECF No. 3568);

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- j. Defendants' Joint Motion *in Limine* to Exclude Improper Characterizations of or Reference to Defendants and Alleged Co-Conspirators [Defendants' MIL No. 6] (ECF No. 3571);
 - k. Defendants' Joint Motion *in Limine* No. 13 to Allow Full Defense Examination of Common Witnesses During Plaintiffs' Case-in-Chief and Limit Use of Deposition Testimony (ECF No. 3579);
 - l. Defendants' Motion *in Limine* No. 2 to Exclude Evidence or Testimony Pertaining to Foreign Antitrust Investigations (ECF. No. 3583); and
 - m. Defendants' Motion *in Limine* #5: To Exclude Plea By Samsung SDI Company, Ltd. as to Non-Pleading Defendants or, Alternatively, to Provide a Limiting Instruction (ECF No. 3589).
4. The IPPs withdraw the following motions with respect to the Toshiba Defendants:
- a. IPPs' Motion *in Limine* No. 1: To Preclude Reference to Duplicative Recovery (ECF No. 3537).
 - b. IPPs' Motion *in Limine* No. 2: To Preclude Reference to Treble Damages, Fees, and Costs (ECF No. 3538).
 - c. IPPs' Motion *in Limine* No. 4: To Preclude Reference to Other Lawsuits Filed by Any of the Named Plaintiffs (ECF No. 3540).
 - d. IPPs' Motion *in Limine* No. 5: To Preclude Reference to Relationships Between Lawyers and Plaintiffs (ECF No. 3541).
 - e. IPPs' Motion *in Limine* No. 6: To Preclude Reference to Plaintiffs' Attendance or Non-Attendance at Trial (ECF No. 3542).

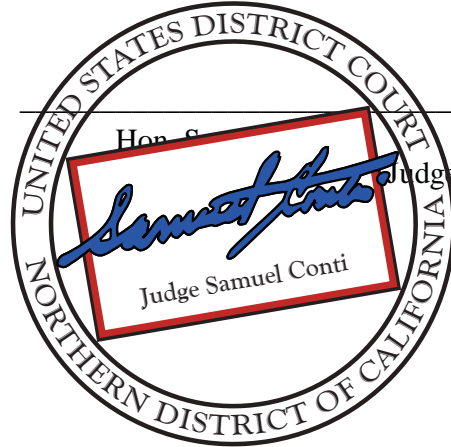
- 1 f. IPPs' Motion *in Limine* No. 7: To Preclude Reference to or Argument
2 About How Class Plaintiffs Became Involved in This Case or That the
3 Case is "Lawyer-Driven" (ECF No. 3543).
4
5 g. IPPs' Motion *in Limine* No. 8: To Preclude Reference to and Exclude
6 Evidence of the Absence of Criminal Indictment, Conviction or Guilty Plea
7 (ECF No. 3544).
8
9 h. IPPs' Motion *in Limine* No. 9: To Preclude Reference to or Argument
10 About Plaintiffs' Failure to Mitigate Damages (ECF No. 3545).
11
12 i. IPPs' Motion *in Limine* No. 10: To Exclude the Testimony of Witnesses
13 Not Designated Pursuant to the Court's Scheduling Orders (ECF No.
14 3546).
15
16 j. IPPs' Motion *in Limine* No. 12: To Exclude Percipient Witnesses, Except
17 for One Party Representative, from the Courtroom Unless They Are
18 Testifying (ECF No. 3548).
19
20 k. IPPs' Motion *in Limine* No. 13: To Preclude Live Testimony of
21 Defendants' Witnesses Who Are Not Made Available to Testify Live in
22 Plaintiffs' Case-in-Chief (ECF No. 3549).
23
24 l. IPPs' Motion *in Limine* No. 14: To Limit Defendants' Deposition
25 Designations presented in Plaintiffs' Case to Reasonable Cross and to
26 Exclude Unrelated Designations (ECF No. 3550).
27
28 m. IPPs' Motion *in Limine* No. 15: To Preclude Reference to the Fact, Terms
or Amounts of Prior Settlements (ECF No. 3551).
n. IPPs' Motion *in Limine* No. 16: To Preclude Reference to and Exclude
Evidence of Other CRT Litigations (ECF No. 3552).

- 1 o. IPPs' Motion *in Limine* No. 17: To (1) Preclude Argument That the
2 Samsung SDI Guilty Plea Includes DOJ Findings of Fact; (2) Exclude
3 Evidence of the Volume of Affected Sales in the Guilty Plea; (3) Exclude
4 Evidence of the Fact and amount of the criminal Fine; and (4) Exclude Any
5 Statement by the DOJ Characterizing the CRT Conspiracy (ECF No.
6 3553).
- 7
- 8 p. IPPs' Motion *in Limine* No. 18: To Preclude Argument That Price Fixing
9 was Pro-Competitive or Necessary (ECF No. 3554).
- 10
- 11 q. IPPs' Motion *in Limine* No. 19: To Exclude Character Evidence (ECF No.
12 3555).
- 13
- 14 r. IPPs' September 12, 2014 Motion to Compel Interrogatory Responses
(submitted to Special Master Walker).
- 15
- 16 s. IPPs' September 19, 2014 Motion to Compel Interrogatory Responses
(submitted to Special Master Walker).
- 17
- 18 t. IPPs' December 22, 2014 Motion to Compel Deposition of Shigekazu
19 Shibata (submitted to Special Master Walker).
- 20
- 21 5. The IPPs withdraw their joinders to the following joint motions with respect to the
Toshiba Defendants:
- 22
- 23 a. Plaintiffs' September 2, 2014 Motion to Compel the Toshiba Defendants to
24 Produce Deposition Witnesses (submitted to Special Master Walker) and
25 IPPs' related Response to Objection of Toshiba Defendants to Order
26 Granting Motion to Compel Production of Witnesses (ECF No. 3171).
- 27
- 28 b. Plaintiffs' October 29, 2014 Motion to Compel Responses to Requests for
Admission (submitted to Special Master Walker).

1 6. The above motions and joinders shall be subject to reinstatement in the event that
2 the Settlement Agreement does not become final and conclusive.

3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

4
5 Dated: 03/26/2015



THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS
Case No. 07-5944 SC
MDL No. 1917

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

Dated: March 24, 2015

Respectfully submitted,

WHITE & CASE LLP

By: /s/ Lucius B. Lau

Christopher M. Curran (*pro hac vice*)

ccurran@whitecase.com

Lucius B. Lau (*pro hac vice*)

alau@whitecase.com

Dana E. Foster (*pro hac vice*)

defoster@whitecase.com

701 Thirteenth Street, N.W.

Washington, DC 20005

tel.: (202) 626-3600

fax: (202) 639-9355

*Counsel to Defendants Toshiba Corporation,
Toshiba America, Inc., Toshiba America
Information Systems, Inc., Toshiba America
Consumer Products, L.L.C., and Toshiba
America Electronic Components, Inc.*

By: /s/

Mario N. Alioto (56433)

Lauren C. Capurro (241151)

TRUMP, ALIOTO, TRUMP & PRESCOTT LLP

2280 Union Street

San Francisco, CA 94123

Tel: (415) 563-7200

Fax: (415) 346-0679

malioto@tatp.com

lauren russell@tatp.com

Lead Counsel for Indirect Purchaser Plaintiffs

Pursuant to Local Rule 5-1(i)(3), the filer attests that the concurrence in the filing of
this document has been obtained from each of the above signatories.

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917

Attachment 3

[Stipulating parties listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC
MDL NO. 1917

This Document Relates to: ALL INDIRECT
PURCHASER ACTIONS

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PANASONIC
DEFENDANTS' SUPPLEMENTAL
RESPONSES TO INDIRECT
PURCHASER PLAINTIFFS' FIRST SET
OF INTERROGATORIES AND
EXTENDING DEADLINE TO FILE
MOTION TO COMPEL**

This Stipulation and Proposed Order between the Indirect-Purchaser Plaintiffs ("IPPs") and Panasonic Corporation, f/k/a Matsushita Electric Industrial Co., Ltd. ("Panasonic Corp."), Panasonic Corporation of North America ("PNA"), and MT Picture Display Co., Ltd. ("MTPD") (collectively, "Panasonic Defendants") (together, the "Parties") is made with respect to the following facts and recitals:

WHEREAS, the IPPs and the Panasonic Defendants have met and conferred and have resolved all outstanding discovery issues with regard to IPPs' motion to compel supplemental responses from the Panasonic Defendants to IPPs' First Set of Interrogatories to all Defendants ("Interrogatories"), which was filed with the Special Master on September 12, 2014;

WHEREAS, the Panasonic Defendants have agreed to supplement their responses to

1 Interrogatory No. 7, as it relates to their affirmative defenses Nos. 21-41;

2 WHEREAS, Panasonic Defendants have also agreed to supplement their responses to
3 Interrogatory Nos. 8, 9, 10, 11, 12, 15, 16, 18, 22, 23 and 24;

4 WHEREAS, the Panasonic Defendants agree to supplement their responses to the above-
5 described Interrogatories by October 17, 2014;

6 WHEREAS, the Panasonic Defendants agree to extend the deadline by which the IPPs
7 may file a motion to compel regarding the Panasonic Defendants' supplemental responses to the
8 above-described Interrogatories to October 24, 2014; and

9 WHEREAS, the IPPs hereby withdraw their September 12, 2014 motion to compel
10 supplemental interrogatory responses from the Panasonic Defendants.

11 **IT IS HEREBY STIPULATED AND AGREED** between the undersigned counsel that:

- 12 1. The Panasonic Defendants will serve supplemental responses to the IPPs' Interrogatory
13 Nos. 7 (regarding affirmative defenses Nos. 21-41), 8, 9, 10, 11, 12, 15, 16, 18, 22, 23
14 and 24, no later than October 17, 2014;
- 15 2. The IPPs may file a motion to compel regarding the Panasonic Defendants'
16 supplemental responses to the IPPs' Interrogatory Nos. 7 (regarding affirmative
17 defenses Nos. 21-41), 8, 9, 10, 11, 12, 15, 16, 18, 23 and 24, no later than October 24,
18 2014; and
- 19 3. The IPPs withdraw their September 12, 2014 motion to compel supplemental
20 interrogatory responses from the Panasonic Defendants.

21
22 The undersigned Parties jointly and respectfully request that the Court enter this stipulation
23 as an order.
24
25
26
27
28

1 Dated: September 26, 2014

TRUMP, ALIOTO, TRUMP & PRESCOTT LLP

3 /s/ Lauren C. Capurro

Mario N. Alioto (56433)

Lauren C. Capurro (Russell) (241151)

TRUMP, ALIOTO, TRUMP & PRESCOTT LLP

2280 Union Street

San Francisco, CA 94123

Telephone: (415) 563-7200

Facsimile: (415) 346-0679

8 *Lead Counsel for Indirect Purchaser Plaintiffs*

10 Dated: September 26, 2014

WEIL, GOTSHAL & MANGES LLP

12 By: /s/ Adam C. Hemlock

13 DAVID L. YOHAI (*pro hac vice*)

ADAM C. HEMLOCK (*pro hac vice*)

14 DAVID E. YOLKUT (*pro hac vice*)

LARA E. VEBLEN TRAGER (*pro hac vice*)

15 WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

16 New York, NY 10153-0119

17 Telephone: (212) 310-8000

Facsimile: (212) 310-8007

18 E-mail: david.yohai@weil.com

19 JEFFREY L. KESSLER (*pro hac vice*)

20 A. PAUL VICTOR (*pro hac vice*)

ALDO A. BADINI (257086)

21 EVA W. COLE (*pro hac vice*)

MOLLY M. DONOVAN (*pro hac vice*)

22 WINSTON & STRAWN LLP

200 Park Avenue

23 New York, NY 10166-4193

24 Telephone: (212) 294-6700

Facsimile: (212) 294-4700

25 E-mail: jkessler@winston.com

26 *Attorneys for Defendants Panasonic Corporation*

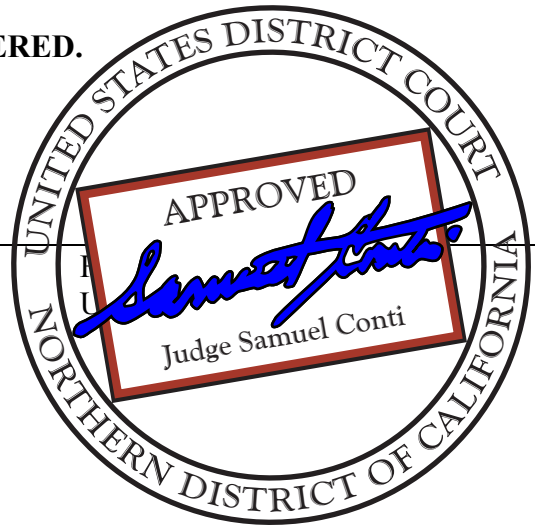
27 *(f/k/a Matsushita Electric Industrial Co., Ltd.),*

Panasonic Corporation of North America, and MT

28 *Picture Display Co., Ltd.*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3
4 Dated: October 22, 2014



ECF CERTIFICATION

Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this document has been obtained from each of the above signatories.

Dated: September 26, 2014

/s/ Lauren C. Capurro

Mario N. Alioto (56433)

Lauren C. Capurro (Russell) (241151)

TRUMP, ALIOTO, TRUMP & PRESCOTT LLP

2280 Union Street

San Francisco, CA 94123

Telephone: (415) 563-7200

Facsimile: (415) 346-0679

*Lead Counsel for the Indirect Purchaser
Plaintiffs*

Attachment 4

Arguello, Sofia

From: Jonathan J. Ross [<mailto:JROSS@SusmanGodfrey.com>]
Sent: Friday, September 12, 2014 12:03 PM
To: Donovan, Molly M.
Cc: Tschirgi, John S.
Subject: RE: CRT

Confirmed.

From: Donovan, Molly M. [<mailto:MMDonovan@winston.com>]
Sent: Friday, September 12, 2014 11:07 AM
To: Jonathan J. Ross
Cc: Tschirgi, John S.
Subject: CRT

Jonathan,

I'm writing to memorialize our arrangement with respect to the interrogatories and document requests served on the Panasonic defendants (Panasonic) on August 1, 2014 that have been the subject of our meet and confer discussions.

With respect to the interrogatories, Panasonic will provide the names of employee-witnesses who met and/or spoke with the Department of Justice regarding CRTs, the dates and locations of those communications, as well as a one or two sentence high-level summary of what was discussed. Panasonic will provide the same information with respect to communications between employee-witnesses and any foreign antitrust authorities regarding CRTs.

With respect to the document requests, Panasonic will produce any non-original, non-privileged and substantive documents that were provided to the Department of Justice regarding CRTs. As discussed, we have identified only one letter that meets such criteria. (For completeness, we previously produced in the MDL all pre-existing (i.e., original) documents that were provided to the Department of Justice, so there is nothing left to produce in that regard.)

(We note that by responding to the interrogatories, Panasonic does not waive, and expressly reserves its previously lodged objection that every request exceeds the numerical limit of Rule 33(a)(1)).

In exchange, the DAPs agree not to file any motion to compel against Panasonic relative to the Department of Justice or any foreign investigations or proceedings regarding CRTs, and will not otherwise seek to obtain information regarding Panasonic and such investigations or proceedings either from Panasonic or from any government agency. This, however, does not preclude the DAPs from continuing their current efforts to try to obtain the EU decision.

Please confirm the above.

Best,
Molly

Molly Donovan

Winston & Strawn LLP
D: +1 (212) 294-4692
winston.com



The contents of this message may be privileged and confidential. Therefore, if this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author.